

# **CITY OF BEDFORD**

**Bedford, Virginia**

**Regular Council Meeting**

## **A G E N D A**

**September 13, 2005**

**7:30 p.m.**

### **Administrative**

Approval of Minutes  
Report of City Manager  
Council Comments  
Report of Council Committees  
Revisions to Agenda

### **Public Hearings**

1-P/CD-6-1-9-13                      Consideration of a Rezoning Request - Property on Independence Boulevard

### **Consent Agenda**

2-P/CD-1-5-9-13                      Appointment of Members – Keep Bedford Beautiful Commission

### **Old Business**

### **New Business**

3-P/CD-6-1-9-13                      Consideration of a Rezoning Request - Property on Independence Boulevard

4-MISC-2-2-9-13                      Resolution - City of Roanoke Industrial Development Authority



## PUBLIC HEARING NOTICE

Notice is hereby given of a public hearing to be held by the City Planning Commission at 5:30 p.m. on Thursday, September 1, 2005 and by the City Council at 7:30 p.m. on Tuesday, September 13, 2005 at the City Municipal Building, Council Hall, 215 E. Main Street for the following purpose:

- To consider rezoning from M-1, Manufacturing to B-2, General Business the properties identified as New Tract 3 containing 1.606 acres and New Tract 4 containing .47 acres on the plat entitled "3 Tracts of Land on Independence Boulevard" prepared by Berkley-Howell and Associates, P.C. dated August 1, 2005.

The request is made by the City of Bedford.

Information regarding this rezoning is on file in the office of Planning & Community Development.

Anyone who is in favor of or opposed to this request will have an opportunity to express their view at this hearing.

By the Authority of the Planning  
Commission and City Council of the  
City of Bedford

Publish: Bedford Bulletin  
August 17, 2005  
August 24, 2005

**CITY OF BEDFORD, VIRGINIA  
CITY COUNCIL  
ACTION FORM**

**ITEM:** Consent Agenda

---

**DATE OF COUNCIL MEETING:** September 13, 2005

**DATE:** September 6, 2005

---

**PRESENTATION:**

Appointment of Members– Keep Bedford Beautiful Commission

Mr. Shim Zudekuff and Mr. Jim Revel have expressed an interest in serving on the Keep Bedford Beautiful Commission if appointed by Council. The vacancies have been advertised in the local newspaper, and no other citizens have volunteered to serve.

**ACTION REQUESTED:**

Council is requested to appoint Mr. Shim Zudekuff and Mr. Jim Revel to serve on the Keep Bedford Beautiful Commission, said terms to expire June 30, 2008.

---

		YES	NO	OTHER	ROUTING	
DATE:_____	FLOOD	( )	( )	( )	CITY ATTY. ( )	HR ( )
	HUBBARD	( )	( )	( )	CITY TREAS. ( )	PKS/REC/CEM ( )
APPROVED ( )	MESSIER	( )	( )	( )	COMM.DEV. ( )	POLICE ( )
DENIED ( )	PADGETT	( )	( )	( )	COMM.REV. ( )	PUBLIC WKS. ( )
DEFERRED TO:	STANLEY	( )	( )	( )	ELECTRIC ( )	SEWER ( )
_____	THARP	( )	( )	( )	ENGINEERING ( )	WATER ( )
	WANDREI	( )	( )	( )	FINANCE ( )	OTHER:_____
					FIRE DEPT. ( )	

---

## INTEROFFICE MEMORANDUM

---

**TO:** DEBRA ANDERSON  
**FROM:** CAYCE CAMPBELL  
**SUBJECT:** KEEP BEDFORD BEAUTIFUL COMMISSION  
**DATE:** 8/29/2005

---

Debra,

The following people would like to be appointed to the KBBC:

Mr. Shim Zudekuff  
6960 Johnson Mountain Road  
Huddleston, Va 24523  
(540) 297- 7961

Mr. Jim Revel  
1225 Oakwood Street  
Bedford, Va 24523  
(540) 586-5351

Thank you!

**CITY OF BEDFORD, VIRGINIA  
CITY COUNCIL  
ACTION FORM**

**ITEM:** Consideration of a Rezoning Request – Property on Independence Boulevard

---

**DATE OF COUNCIL MEETING:** September 13, 2005

**DATE:** September 2, 2005

---

**PRESENTATION:**

A public hearing will be held to consider a request to the properties identified as New Tract 3 containing 1.606 acres and New Tract 4 containing .47 acres on the plat entitled “3 Tracts of Land on Independence Boulevard” prepared by Berkley-Howell and Associates, P.C. dated August 9, 2005 from M-1, Manufacturing to B-2, General Business. Staff is initiating this request as part of the implementation of the Eastside Neighborhood Master Plan.

The Planning Commission met on Thursday, September 1, 2005, and recommends City Council approve the request to rezone the property referenced above from M-1, Manufacturing to B-2, General Business, as stated in their Memorandum dated September 2, 2005.

**ACTION REQUESTED:**

Following a public hearing, Council is requested to adopt the attached ordinance recommended by the Planning Commission in their Memorandum dated September 2, 2005.

		YES	NO	OTHER	ROUTING	
DATE:_____	FLOOD	( )	( )	( )	CITY ATTY. ( )	HR ( )
	HUBBARD	( )	( )	( )	CITY TREAS. ( )	PKS/REC/CEM ( )
APPROVED ( )	MESSIER	( )	( )	( )	COMM.DEV. ( )	POLICE ( )
DENIED ( )	PADGETT	( )	( )	( )	COMM.REV. ( )	PUBLIC WKS. ( )
DEFERRED TO:	STANLEY	( )	( )	( )	ELECTRIC ( )	SEWER ( )
_____	THARP	( )	( )	( )	ENGINEERING ( )	WATER ( )
	WANDREI	( )	( )	( )	FINANCE ( )	OTHER:_____
					FIRE DEPT. ( )	

Ordinance No. \_\_\_\_\_

**AN ORDINANCE CHANGING THE ZONING MAPS FOR THE CITY OF BEDFORD BY  
REZONING FROM M-1 TO B-2 PROPERTIES ON INDEPENDENCE BOULEVARD**

WHEREAS, the Planning Commission of the City of Bedford held a public hearing and on September 1, 2005 recommended to the City Council of Bedford that it approve a rezoning of parcels hereinafter described; and

WHEREAS, the City Council has held a public hearing after notice was given in the *Bedford Bulletin* once a week for two successive weeks as required by Virginia Code 15.2-2204;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEDFORD, VIRGINIA:

- Section 1. The Zoning Map of the City of Bedford is amended by rezoning from Manufacturing District (M-1) to General Business (B-2) the following described land:
- a. The properties identified as New Tract 3 containing 1.606 acres and New Tract 4 containing .47 acres on the plat entitled "3 Tracts of Land on Independence Boulevard" prepared by Berkley-Howell and Associates, P.C. dated August 9, 2005.

Section 2. This ordinance is effective upon enactment.

# CITY OF BEDFORD

A MAIN STREET CITY



PHONE (540) 587-6021

FAX (540) 586-7134

ANNING AND COMMUNITY  
VELOPMENT

P.O. DRAWER 807

215 EAST MAIN STREET

BEDFORD, VIRGINIA 24523

To: Mayor Messier and City Council Members

From: Bart Warner, Director of Planning & Community Development *BW*

Date: September 2, 2005

Re: Recommendation of Planning Commission

On September 1, 2005, the Planning Commission held a regularly scheduled meeting for the following purpose:

- To consider rezoning from M-1, Manufacturing to B-2, General Business the properties identified as New Tract 3 containing 1.606 acres and New Tract 4 containing .47 acres on the plat entitled "3 Tracts of Land on Independence Boulevard" prepared by Berkley-Howell and Associates, P.C. dated August 9, 2005.

On a motion by Mr. Reynolds, seconded by Mr. English, with all members voting aye, the Planning Commission recommends that City Council approve rezoning from M-1, Manufacturing to B-2, General Business the properties identified as New Tract 3 containing 1.606 acres and New Tract 4 containing .47 acres on the plat entitled "3 Tracts of Land on Independence Boulevard" prepared by Berkley-Howell and Associates, P.C. dated August 9, 2005.

**CITY OF BEDFORD, VIRGINIA  
CITY COUNCIL  
ACTION FORM**

**ITEM:** Resolution – City of Roanoke Industrial Development Authority

---

**DATE OF COUNCIL MEETING:** September 13, 2005

**DATE:** September 8, 2005

---

**PRESENTATION:**

Attached is a copy of a resolution granting the Industrial Development Authority of the City of Roanoke permission to hold a public hearing in Roanoke. This request is in connection with the issuance of bonds on behalf of Carilion Roanoke Memorial Hospital in Roanoke, Carilion Roanoke Community Hospital in Roanoke, Carilion Giles Hospital, Town of Pearisburg in Giles County Virginia, Bedford Memorial Hospital in the City of Bedford, Virginia, Carilion Franklin Memorial Hospital in the Town of Rocky Mount, Franklin County, Virginia, and Carilion New River Medical Center in Montgomery County, Virginia. These bonds provide financing for the costs of renovating and/or expanding Roanoke Memorial Hospital, acquiring capital equipment and refunding certain of Roanoke Authority's hospital revenue bonds, paying a portion of the interest accruing on the bonds during acquisition, construction, renovation, and equipping of the project, and also paying certain expenses incurred in connection with the issuance of the bonds.

This funding is similar in many respects to a project undertaken by Carilion in 1997, which also required your approval for holding a public hearing in Roanoke and subsequently the approval of a resolution allowing Roanoke's Industrial Development Authority to issue bonds for the improvement of the hospitals within their system, including Bedford Memorial Hospital. At some point in the future, we will receive a request on behalf of Roanoke's Industrial Development Authority to issue these proposed bonds.

**ACTION REQUESTED:**

City Council is requested to approve the resolution authorizing the Industrial Development Authority of the City of Roanoke, Virginia, to hold a public hearing in connection with the issuance in one or more series of not to exceed \$450 million aggregate principal amount of the Industrial Development Authority of the City of Roanoke, Virginia hospital revenue bonds.

		YES	NO	OTHER	ROUTING		
DATE: _____	FLOOD	( )	( )	( )	CITY ATTY.	( )	HR ( )
	HUBBARD	( )	( )	( )	CITY TREAS.	( )	PKS/REC/CEM ( )
APPROVED ( )	MESSIER	( )	( )	( )	COMM.DEV.	( )	POLICE ( )
DENIED ( )	PADGETT	( )	( )	( )	COMM.REV.	( )	PUBLIC WKS. ( )
DEFERRED TO:	STANLEY	( )	( )	( )	ELECTRIC	( )	SEWER ( )
_____	THARP	( )	( )	( )	ENGINEERING	( )	WATER ( )
	WANDREI	( )	( )	( )	FINANCE	( )	OTHER: _____
					FIRE DEPT.	( )	



**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
BEDFORD, VIRGINIA AUTHORIZING THE INDUSTRIAL  
DEVELOPMENT AUTHORITY OF THE CITY OF ROANOKE,  
VIRGINIA TO HOLD A PUBLIC HEARING IN CONNECTION  
WITH THE ISSUANCE IN ONE OR MORE SERIES OF NOT TO  
EXCEED \$450,000,000 AGGREGATE PRINCIPAL AMOUNT OF  
THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE CITY  
OF ROANOKE, VIRGINIA HOSPITAL REVENUE BONDS  
(CARILION HEALTH SYSTEM OBLIGATED GROUP)**

**WHEREAS**, the City of Bedford, Virginia (the “City”) is a political subdivision of the Commonwealth of Virginia exercising public and essential governmental functions pursuant to the Constitution and laws of the Commonwealth of Virginia; and

**WHEREAS**, Carilion Medical Center (“CMC”) is a private, nonstock corporation duly incorporated and validly existing under and by virtue of the laws of the Commonwealth of Virginia, which owns and operates Carilion Roanoke Memorial Hospital in the City of Roanoke, Virginia; and

**WHEREAS**, CMC also owns and operates Carilion Roanoke Community Hospital in the City of Roanoke, Virginia; and

**WHEREAS**, Carilion Giles Memorial Hospital (“CGMH”) is a private, nonstock corporation duly incorporated and validly existing under and by virtue of the laws of the Commonwealth of Virginia, which owns and operates Carilion Giles Memorial Hospital in the Town of Pearisburg, Giles County, Virginia; and

**WHEREAS**, Bedford Memorial Hospital (“BMH”) is a private, nonstock corporation duly incorporated and validly existing under and by virtue of the laws of the Commonwealth of Virginia, which owns and operates Bedford Memorial Hospital in the City of Bedford, Virginia; and

**WHEREAS**, Carilion Franklin Memorial Hospital (“CFMH”) is a private, nonstock corporation duly incorporated and validly existing under and by virtue of the laws of the Commonwealth of Virginia which owns and operates Carilion Franklin Memorial Hospital in the Town of Rocky Mount, Franklin County, Virginia; and

**WHEREAS**, Carilion New River Valley Medical Center (“CNRV”) is a private, nonstock corporation duly incorporated and validly existing under and by virtue of the laws of the Commonwealth of Virginia, which owns and operates Carilion New River Valley Medical Center in Montgomery County, Virginia; and

**WHEREAS**, the Industrial Development Authority of the City of Roanoke, Virginia (the “Roanoke Authority”) has by resolution adopted on August 10, 2005 (the “Inducement Resolution”) evidenced its desire to issue one or more series of its revenue bonds for the purpose of providing funds to undertake any or all of the following: (i) paying, or reimbursing CMC for paying, a portion of the costs of (A) renovating and/or expanding certain portions of Carilion Roanoke Memorial Hospital and/or (B) acquiring certain capital equipment for use in or in

connection with Carilion Roanoke Memorial Hospital (the “Project”); (ii) refunding all or a portion of (A) the Roanoke Authority’s Hospital Revenue Bonds (Carilion Health System Obligated Group), Series 2002A and (B) the Roanoke Authority’s Hospital Revenue Refunding Bonds (Carilion Health System Obligated Group), Series 2002B, Series 2002C, Series 2002D and Series 2002E (collectively, the “Bonds To Be Refunded”), the proceeds of which were loaned to CMC, CGMH, BMH, CFMH and CNRV; (iii) paying a portion of the interest accruing on the Bonds during the acquisition, construction, renovation and equipping of the Project; and (iv) paying certain expenses incurred in connection with the issuance of the Bonds; and

**WHEREAS**, the Roanoke Authority has delivered or caused to be delivered to the City a copy of the Inducement Resolution; and

**WHEREAS**, prior to the issuance of said revenue bonds, it is required by state and federal law that a public hearing be held during which members of the public are given an opportunity to express their views on the proposed issuance of said revenue bonds; and

**WHEREAS**, CMC, CGMH, BMH and CFMH have requested the Roanoke Authority to hold a public hearing in the City of Roanoke, Virginia on behalf of the City of Roanoke, Virginia, the County of Giles, Virginia, the City of Bedford, Virginia and the County of Franklin, Virginia in connection with the issuance of said revenue bonds; and

**WHEREAS**, the Roanoke Authority has requested that the County of Giles, Virginia, the City of Bedford, Virginia and the County of Franklin, Virginia authorize the Roanoke Authority to hold a public hearing in connection with the issuance of said revenue bonds;

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Bedford, Virginia:

**SECTION 1.** The City hereby authorizes the Roanoke Authority to hold a public hearing on its behalf in connection with the proposed issuance by the Roanoke Authority of one or more series of its Industrial Development Authority of the City of Roanoke, Virginia Hospital Revenue Bonds (Carilion Health System Obligated Group) in the aggregate principal amount not to exceed \$450,000,000 (collectively, the “Bonds”) for the purpose of providing funds to undertake any or all of the following: (i) paying, or reimbursing CMC for paying, a portion of the costs of the Project; (ii) refunding all or a portion of the Bonds To Be Refunded; (iii) paying a portion of the interest accruing on the Bonds during the acquisition, construction, renovation and equipping of the Project; and (iv) paying certain expenses incurred in connection with the issuance of the Bonds; provided, however, that in accordance with Chapter 49, Title 15.2, Code of Virginia of 1950, as amended, the Roanoke Authority shall, after it holds the public hearing, convey a fiscal impact statement and a reasonably detailed summary of the comments expressed at the hearing to the City together with its recommendation at which time the City shall either approve or disapprove the issuance of the Bonds.

**SECTION 2.** This Resolution shall take effect immediately upon its passage.

I hereby certify that the foregoing is a true and exact copy of a Resolution adopted at a regular meeting of the City Council of the City of Bedford, Virginia held on September 13, 2005, at which meeting a quorum was present and voted.

---

Clerk to the City Council of the City of  
Bedford, Virginia

# MEMORANDUM

**TO:** City Council

**FROM:** Jack A. Gross, Interim City Manager

**DATE:** September 8, 2005

**SUBJECT:** Request by the Industrial Development Authority of the City of Roanoke to use the City of Bedford's Industrial Development Authority's bonding authority for improvements for Bedford Memorial Hospital

In 1997, Carilion made a similar request, which was subsequently approved. However, the City Attorney and I found out that other jurisdictions were negotiating with Carilion to receive a fee for the jurisdiction's consent. The City's Industrial Development Authority was relinquishing some of their inducement resources, and should therefore rightfully receive some consideration. We negotiated an annual payment which was approximately \$1,875.00. These payments were made for a period of years, and then four years ago it was determined that for convenience a calculation would be made on the present value of the remaining principal of the issuance, thus completing the payments to the City IDA. That payment was in the amount of \$23,116.00.

Enclosed is a letter to Rob Vaughan reminding him of our previous arrangement and suggesting a similar commitment.

JAG:dba

Enclosure

September 7, 2005

Mr. G. Robert Vaughan  
Carilion Health System  
P. O. Box 40032  
Suite 807  
Roanoke, VA 24022

Dear Mr. Vaughan:

I have attached a copy of the agreement between the City of Bedford and Carilion Bedford Memorial Hospital, Inc. signed in September of 1997. As we discussed on the phone, I understand that you would prefer that a single payment for the Bedford City Industrial Development Authority be made rather than annual payment. I see no problem in making adjustments in the wording to provide for this.

The public hearing on the resolution of the Industrial Development Authority of the City of Roanoke has been scheduled for the next Council meeting on September 13<sup>th</sup>.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Jack A. Gross  
Interim City Manager

JAG:dba

Enclosure

cc: Mr. William W. Berry, III, City Attorney

## AGREEMENT

THIS AGREEMENT, made this \_\_\_\_\_ day of September, 1997, by and between the City of Bedford, Virginia, a political subdivision of the commonwealth of Virginia, (hereinafter referred to as the "City") and Carilion Bedford Memorial Hospital Incorporated, a private non-stock corporation, (hereinafter referred to as the "Hospital").

### WITNESSETH:

WHEREAS, the Industrial Development Authority of the City of Roanoke, Virginia has been requested by Carilion Health System, of which the Hospital is a part, to issue tax exempt Hospital Revenue Bonds not to exceed the aggregate amount of Eighty Million Dollars (\$80,000,000) (hereinafter referred to as "the Bonds") for the purpose of facilitating the funding or refinancing of certain projects required or useful for health care purposes; and

WHEREAS, approximately Two Million Dollars (\$2,000,000) of the Bonds are to finance a portion of the Hospital's costs of renovating certain portions of the Bedford Memorial Hospital and acquiring certain capital equipment for use in or connection with the facility; and

WHEREAS, state law prohibits the Industrial Development Authority of the City of Roanoke from financing the Hospital's facilities in Bedford, Virginia without City Council's first agreeing with the issuance of the Bonds by the Industrial Development Authority of the City of Roanoke, Virginia.

WHEREAS, in consideration of the City's approving the Industrial Development Authority of the City of Roanoke's issuance of industrial development bonds to in part finance the Hospital's facilities in Bedford, Virginia, the Hospital has agreed to pay an administrative fee to the City of Bedford for the City of Bedford Industrial Development Authority.

NOW, THEREFORE, in consideration of the benefits received by the Hospital and the City and the mutual covenants contained herein, the parties hereto agree as follows:

1. The City agrees to cooperate with the Hospital's efforts in obtaining tax exempt bond financing and has adopted a resolution concurring and approving the issuance of tax exempt bonds by the Industrial Development Authority of the City of Roanoke in the approximate amount of Eighty Million Dollars (\$80,000,000) to finance or refinance a number of health care projects for Carilion Health Systems. The City's approval of the bond issue by the Industrial Development Authority of the City of Roanoke, Virginia allows the Hospital to participate in the financing in the approximate amount of Two Million Dollars (\$2,000,000) to cover the costs of construction and equipment acquisition relating to the building and equipping a hospital facility in the City of Bedford, Virginia.

2. The Hospital agrees to pay the Industrial Development Authority of the City of Bedford through the City an annual administrative fee, at a rate of 0.09375% on the outstanding principal balance of the bond issue allocated to be used in the City of Bedford, Virginia as of July 15, in each succeeding year, during the life of the issue, financed by the Industrial Development Authority of the City of Roanoke for the Hospital's existing facility in Bedford, Virginia.
3. The Hospital shall pay this annual fee to the Industrial Development Authority of Bedford, Virginia through the City on or before July 15 of each year, throughout the term of the bond issue, with the first annual fee payment due at closing (to be prorated to July 15, 1998). This annual fee is to be used by the Industrial Development Authority of Bedford, Virginia for economic development purposes.
4. The Hospital shall maintain records of the bond issue according to the recognized accounting standards so that the account of the outstanding principal balance remaining which is attributable to the financing of the Hospital facility may be kept and that such records shall be furnished to the City annually for the City's inspection.
5. The provisions of this agreement may not be modified or waived except by a written instrument signed by both parties.
6. This agreement contains the entire understanding of the parties, there being no promises or undertakings, written or oral, other than those expressly set forth herein.
7. This agreement fully satisfies all requirements set forth in the resolution adopted by the City on August 26, 1997.
8. This agreement shall be binding upon and shall inure to the successors and assigns of the Hospital and the City.

IN WITNESS WHEREOF, the parties have hereunto set their signatures and seals and have been duly authorized to do the same:

THE CITY OF BEDFORD, VIRGINIA

---

Jack A. Gross, City Manager

CARILION BEDFORD MEMORIAL HOSPITAL INCORPORATED

---